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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

INTER MERCHANT MARINE CO. LTD

Plaintiff,

-against-

THE SUB-CHARTER-HIRE OF THE M/V
INTER PRIDE, *in rem*

-and-

DALIAN SUNTIME INT'L TRANSPORTATION
CO., LIMITED

Defendants.

14 Civ. _____ ()

VERIFIED COMPLAINT

Plaintiff, Inter Merchant Marine Co. Ltd. ("IMMCL" or "Plaintiff") submits this verified complaint against defendant Dalian Suntime Int'l Transportation Co., Limited ("Dalian" or "Defendant") *in personam*, and the sub-hire for the vessel M/V INTER PRIDE *in rem*, and alleges as follows:

THE PARTIES, JURISDICTION, AND VENUE

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and falls under this Court's admiralty and maritime jurisdiction pursuant to 28 U.S.C. § 1333.

2. IMMCL brings this action to obtain security for a maritime claim pursuant to Rule C of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Rule C"), directing the seizure and arrest of sub-hire for the vessel M/V INTER PRIDE, which is presently or soon to be located within the jurisdiction of the District.

3. IMMCL also seeks an order and writ of attachment pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Rule B"), over property of Defendant including but not limited to property held by garnishees located in the District.

4. Plaintiff IMMCL is and was the registered owner of the M/V INTER PRIDE. At all times relevant hereto, IMMCL is and was a foreign business entity with offices at 13th Floor, Iljin Building, 50-1, Dohwa-dong, Mapo-gu, Seoul, 121-716, South Korea.

5. At all times relevant hereto, defendant Dalian is and was a foreign business entity organized under the laws of a foreign state. Dalian maintains a business address at Room 4F, No. 349, Changchun Road, Wigan District, Dalian City, Liaoning Province, China.

6. Garnishee Suntime America, Inc. is a domestic business entity registered in New Jersey with New Jersey identification number 0400464777 and with a principle place of business at 4 Summit Road, Suite G6A, South River, New Jersey 08882.

7. Venue in this action is properly found in this Honorable Court pursuant to 28 U.S.C. § 1391(b), because, upon information and belief, Dalian has or will soon have, personal property within this District that may be attached pursuant to Rule B or arrested pursuant to Rule C, in the form of debts due and owing and/or sub-hire for the vessel M/V INTER PRIDE.

8. This Court has *in rem* jurisdiction over the sub-hire because it is currently or soon

to be within this judicial district in the possession of garnishee Suntime America, Inc., who is located in New Jersey.

9. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1333 because this action arises from the breach of a maritime contract, i.e., a time charter party.

FACTUAL BACKGROUND

10. On June 18, 2014, IMMCL entered into a time charter with Dalian for the charter of the M/V INTER PRIDE for a period of four to six months at a hire rate of \$8,000 per day. A full and complete copy of the time charter is attached as Exhibit 1.

11. Under Clause 18 of the time charter, IMMCL has a lien “upon all cargoes, and all sub-freights/sub-hires for any amounts due under this Charter...” Ex. 1.

12. After making an initial full payment on July 7, 2014, Dalian made only a partial hire payment on August 26, 2014 and on August 27, 2014.

13. Dalian made no further hire payments and owes IMMCL \$1,376,547.95 as of September 22, 2014. A copy of the latest hire statement is attached as Exhibit 2.

14. The charter party is subject to London Arbitration, with English law to apply. Plaintiff reserves the right to arbitrate the dispute. English law provides for recovery of interest, legal fees and arbitration costs to the successful party.

APPLICATION FOR ISSUANCE OF RULE C ARREST AGAINST SUBHIRE OF M/V INTER PRIDE

15. IMMCL seeks an order directing the arrest of the subhires of the M/V INTER PRIDE which are currently or soon to be located in the district pursuant to Rule C of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Proceedings of the Federal Rules of Civil Procedure ("Rule C").

16. IMMCL submits this type of property is or will be located within the District because of a subcharter of the M/V INTER PRIDE obtained by Plaintiff from the subcharterer Macsteel International USA Corp ("Macsteel"), a New York company. By fixture recap dated June 17, 2014, Suntime America Inc. ("Suntime") as disponent owner entered into a sub-charter with Macsteel International USA Corp ("Macsteel") for the M/V INTER PRIDE for the carriage of steel coils from China to New Orleans.

17. Pursuant to the sub-charter, Macsteel has made at least one payment of subhire to Suntime on or about July 8, 2014.

18. Upon information and belief, subhires due and owing to New Jersey-located garnishee Suntime for the M/V INTER PRIDE are currently or are soon to be located in the District.

19. Plaintiff possesses a maritime lien and *in rem* claim against the subhires of the vessel M/V INTER PRIDE pursuant to Clause 18 of the charter party and can be arrested in connection with the debts owed by Dalian to Plaintiff until proof of the lien's extinguishment.

**APPLICATION FOR ISSUANCE OF RULE B ATTACHMENT
AGAINST DEFENDANT DALIAN FOR PROPERTY OF DALIAN**

20. IMMCL seeks an order of attachment directing the seizure of tangible and intangible property of defendant Dalian, including but not limited to debts due and owing which are held by garnishee Suntime America, Inc. pursuant to Rule B of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Proceedings of the Federal Rules of Civil Procedure ("Rule B").

21. Defendant Dalian is not found within the District of New Jersey within the meaning of Rule B, but has assets, goods or chattels within the jurisdiction, including but not limited to property held by garnishee Suntime located in New Jersey.

22. Upon information and belief, Suntime is an entity within the corporate structure of Defendant Dalian. Upon information and belief, Suntime enters into sub-charters for the carriage of cargos for entities such as Macsteel, using vessels chartered by Dalian from third party owners. Suntime collects sub-hires for the carriage of cargo, from which Dalian makes payments of the principle hires due under its head charter parties. The sub-charter of the M/V INTER PRIDE, discussed above, is one such example.

23. Upon information and belief, Suntime has also entered into at least two other sub-charters with Macsteel for the vessel M/V CHANG HANG HAO HAI and others. Using the same business practice pattern, Suntime may retain debts owed to Dalian for voyages with other vessels.

PRAYER FOR RELIEF

1. That an order and warrant of arrest pursuant to Rule C issue against *in rem* defendant sub-hires of M/V INTER PRIDE in the minimum amount of \$1,376,547.95, and that the subhires are arrested in accordance with Rule C and brought into this Court to satisfy all amounts owed to IMMCL;

2. That process in due form of law, including but not limited to process under Rule B, according to the rules and practices of this Court in the form of a writ of maritime attachment be issued against defendant Dalian, in the amount of \$1,376,547.95 arising from the nonpayment of a maritime contract, and if Defendant cannot be found, then that its goods, chattels, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, accounts, letters of

credit, freights, sub-freights, charter hire, sub-charter hire, or other tangible or intangible property which belongs to them, is claimed by them, is being held for them or on their behalf, or which is being transferred for their benefit, within the district, namely debts owed by garnishee Suntime America, Inc., may be attached in an amount sufficient to answer IMMCL's claims;

3. That Defendant Dalian, and any other person claiming an interest therein, may be cited to appear in the matters aforesaid, and that judgment be entered against Dalian and in favor of IMMCL in an amount to be determined at trial, but not less than **\$1,376,547.95**, plus costs, expenses and attorney's fees to be later determined;

4. That this Court retain jurisdiction over this matter through the entry of any judgment or award associated with any of the claims currently pending, or which may be initiated in the future, including any appeals thereof; and,

5. That this Court grant Plaintiff such other and further relief which it may deem just and proper.

Dated: New York, New York
October 17, 2014

Respectfully submitted,

/s/ Duvol M. Thompson
Duvol M. Thompson
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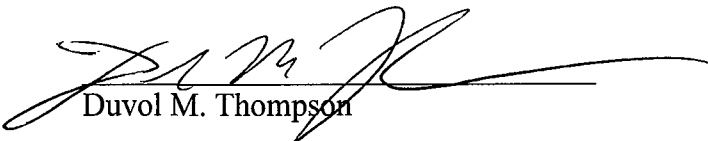
VERIFICATION

STATE OF NEW YORK)
 :ss.:
COUNTY OF NEW YORK)

I, Duvol M. Thompson, at Holland & Knight LLP, verify that I have read the foregoing Verified Complaint and know the contents thereof, and the same are true and correct to the best of my knowledge. I make this declaration on behalf of, and with the authorization of Inter Merchant Marine Co. Ltd. because Inter Merchant Marine Co. Ltd. is a foreign corporation, having no officer or director within this District. The source of my knowledge and the grounds for my belief are the statements made by, and documents and information received from the Plaintiff and agents and/or representatives of the Plaintiff.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2014


Duvol M. Thompson